

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Pena's Disposal, Inc. Transfer Station and Material Recovery Facility
SWIS No. 54-AA-0034
June 4, 2015

Background Information, Analysis, and Findings:

This report was developed in response to the Tulare County Department of Health Services, Division of Environmental Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Pena's Disposal, Inc. Transfer Station and Material Recovery Facility, located in Cutler (Tulare County), SWIS No. 54-AA-0034, and owned and operated by Pena's Disposal, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on April 29, 2015. A new proposed permit was received on May 21, 2015. Action must be taken on this permit no later than July 20, 2015. If no action is taken by July 20, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2007)	Proposed Permit
Permitted Hours of Operation	<p>MRF and TS: Receipt of Material 6:00 a.m. - 6:00 p.m. Monday-Sunday; Handling of material 6:00 a.m. - 10:00 p.m. Monday – Sunday; Maintenance of machinery 24 hours per day Monday- Sunday.</p> <p>Truck transfer of solid wastes: Receipt of material 5:00 a.m. – 6:00 p.m. Monday – Sunday; Handling of material 24 hours per day Monday – Sunday; Maintenance of machinery 24 hours per day Monday – Sunday.</p> <p>Maintenance Building: Maintenance of machinery 24 hours per day Monday - Sunday.</p> <p>Green materials & CDI processing facilities & inert debris processing operation: Receipt of material 6:00 a.m. – 6:00 p.m. Monday – Sunday; Handling of material 6:00 a.m. – 8:00 p.m. Monday – Sunday; Maintenance of machinery 24 hours per day Monday – Sunday.</p>	<p>Material Recovery Facility & Transfer Station: Receipt of Material 6:00 a.m.- 6:00 p.m. Monday - Sunday; Handling of material 24 hours per day Monday – Sunday; Maintenance of machinery 24 hours per day Monday - Sunday.</p> <p>Truck transfer of solid wastes and other materials: Receipt of material 5:00 a.m. – 6:00 p.m. Monday – Sunday; Handling of material 24 hours per day Monday – Sunday; Maintenance of machinery 24 hours per day Monday – Sunday.</p> <p>Maintenance Building: Maintenance of machinery 24 hours per day Monday - Sunday.</p> <p>Mixed C & D, and Organics Processing Facilities: Receipt of material 5:00 a.m. – 6:00 p.m. Monday – Sunday; Handling of material 5:00 a.m. – 10:00 p.m. Monday – Sunday; Maintenance of machinery 24 hours per day Monday – Sunday.</p> <p>Inert Processing Facility: Receipt of material 6:00 a.m. – 6:00 p.m. Monday – Sunday; Handling of material 6:00 a.m. –</p>

		8:00 p.m. Monday – Sunday; Maintenance of machinery 24 hours per day Monday – Sunday. Closed New Year's Day & Christmas
Permitted Maximum Tonnage	500 tons per day (tpd)	2,000 tpd
Permitted Vehicles	318 vehicles per day	920 vehicles per day
Permitted area (acres)	12.3 acres	18.61 acres

Other Changes include:

1. Update in address. The county re-designated the address to be in Cutler, instead of Orosi.
2. Revisions to the following sections of the SWFP: "Legal Description of Facility," "Findings," "Prohibitions," documents that describe and/or restrict the operation of the facility, and "LEA Conditions" including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues

The proposed permit will allow for the following:

1. Increase in tonnage from 500 tpd to 2,000 tpd.
2. Increase in hours. See table above.
3. Expansion of the maintenance shop.
4. Addition of 30,000 square foot recycling building.
5. Processing of mixed/municipal solid waste and organics (food waste, co-collected green waste with food waste, and commercial food waste).
6. Increase in permitted boundary from 12.3 acres to 18.61 acres.
7. Increase in vehicles trips from 318 vehicles per day to 920 vehicles per day.
8. Addition of a biomass conversion facility.

Background

This is an existing transfer/processing facility in the Orosi/Cutler area in Tulare County. The facility currently processes up to 500 tons per day. On the same parcel, the same operator, Pena's Disposal, Inc., operates a chipping and grinding operation under an EA Notification (SWIS No. 54-AA-0048), and a construction and demolition and inert debris (CDI) processing facility under a Registration permit (SWIS No. 54-AA-0049). The operator requested a permit revision in order to expand the facility to process up to 2,000 tons per day, and to combine all the activities under one permit (transfer/processing, compostable material handling, and CDI processing).

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated April 27, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on November 14, 2013. The LEA provided a copy to the Department on December 5, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit (SWFP) on May 21, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on April 29, 2015, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated May 18, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 4, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on April 29, 2015, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on March 26, 2015. No members of the public were in attendance. No comments were received by the LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on June 4, 2015 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the transfer facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2015 (January – April) – No violations were noted.
- 2014 (January) - One violation of PRC Section 44002 – Operator Authorized by SWF Permit.
- 2013 (July) – One violation of 27 CCR Section 21640 – Full Permit Review
- 2011 - 2012 – No violations were noted.
- 2010 (August) – 14 CCR Section 17408.1 - Litter Control.

All violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the County of Tulare Resource Management Agency Planning Branch, Environmental Planning Division, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include: an increase in tons per day (tpd) from 500 tpd to 2,000 tpd; an increase in vehicle trips from 318 vehicles per day to 920 vehicles per day; an expansion of the material recovery facility to include additional sort lines; a new household hazardous waste

collection facility; expansion of construction and demolition debris processing; expansion of inert processing; expansion of organic processing for green waste, co-collected green waste, food material, and wood waste; a new biomass conversion unit to process clean wood waste for energy onsite; a new compressed natural gas station; expansion of the maintenance shop, a new septic tank and leach field, recycling buy-back center, offices and community meeting room, and a community education recycling center; and expansion of hours of operation. These changes are supported by the following environmental document.

An Environmental Impact Report (EIR), State Clearinghouse No. 2011011027, was circulated for a 45 day comment period from April 6, 2014 to May 30, 2014. The EIR identified significant and unavoidable impacts to Noise Resources. The Final EIR, together with the Statement of Overriding Considerations, was certified/adopted by the Lead Agency on October 14, 2014.

The Lead Agency determined that the project benefits outweigh the adverse environmental impacts. The benefits from the project will include:

Greenhouse Gas emission reduction, diversion of solid waste from landfills, reduced vehicle miles traveled by heavy vehicles resulting in less impacts to air quality and physical strain on roadways, and increased employment.

Statement of Overriding Considerations:

Because all of the project's impacts cannot be avoided or substantially reduced, before concurring on the issuance of the proposed permit, the Department must adopt a Statement of Overriding Considerations that indicates its reasons for overriding the adverse environmental effects caused by the proposed project. It is Department staff's recommendation that the Department adopt as its own the Statement of Overriding Considerations as adopted by Lead Agency to the extent the unavoidable significant environmental effects of the Project identified in the Statement of Overriding Considerations relate to environmental effects caused by the Department's exercise of its Statutory Authority.

Department staff further recommends the Final EIR, with all other CEQA documents adopted by the Lead Agency, and with the inclusion of the Statement of Overriding Considerations, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The Tulare County Department of Health Services, Division of Environmental Health has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final EIR as prepared by the Lead Agency in that there are no grounds under

CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on March 26, 2015, at the Orosi Memorial Hall, 42645 Road 128, in Orosi, California. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on May 19, 2015. No comments have been received by Department staff.